

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF THE  
VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM, VILLAGE HALL,  
ON WEDNESDAY, JULY 7, 1999.**

**Members Present:** Patrick J. Gilmartin, Chairman  
William Hoffman  
Peter Lilienfield  
Allen Morris, Secretary  
Patrick Ntarelli

**Also Present:** Lino J. Sciarretta, for the Village Counsel  
Brenda Livingston, Ad Hoc Planning Board Member  
Ralph G. Mastromonaco, Planning Board Consultant  
Richard Fon, Building Inspector  
Florence Costello, Planning Board Clerk  
William Citarell, ECB Member  
J&L Reporting Service for Westwood Development Associates  
Members of the Public.

**IPB Matters**

**Considered:**

- 94-03 -- Westwood Development Associates**  
Sht.10,P25J2,25K2,Sht.20CBl.226,Lots 25A,26A.
- 98-12 -- Boran Construction**  
Sht. 5, Bl. 212, Lot 4 & 5
- 98-44 -- Ciccio & Chernick**  
Sht. 10C, Bl. 226, Lot 25
- 98-55 -- Spectrum Irvington (Amendment)**  
Sht. 12B, Lot #60
- 99-11 -- Ettore & Maria D'Alessio**  
Sht. 13, P-141K
- 99-23 -- Irvington Associates**  
Sht. 12B, Lot 25 & 31
- 99-31 -- Danfor Realty Co. (Fatato Subdivision)**  
Sht. 13B, P5 P5C
- 99-33 -- Mackie & Martucci Subdivision**  
Sht. 2, P-109P12
- 99-34 -- Arthur Semetis**  
Sht. 12B, Lot 35
- 99-35 -- William Phoenix**  
Sht. 13B, P-85
- 99-36 -- John & Stephanie Buckhout**  
Sht. 5, Bl. 209, Lot 30
- 99-37 -- Sheila M. Biggs**  
Sht. 7A, Bl.236, Lot 15 & 16
- 99-38 -- Sean Orr**  
Sht. 7B, Bl. 249, Lot 10

**99-39 -- Slavik & Regina Zorin**

Sht. 10C, Bl. 299, Lot 10

The Chairman called the meeting to order at 8:00 p.m.

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mrs. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all but two properties, IPB Matter #94-03 and IPB Matter #99-36, on the agenda were current as to taxes and fees.

**IPB Matter #99-35:**

**Application of William & Elizabeth Phoenix for Waiver of Site Development Plan Approval for property at 6 Castle Road.**

Sam Vieira, Architect, appeared for the applicant. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of construction of a new family room on an existing uncovered 433 sq. ft. wood deck. Drawings submitted were: Phoenix Residence, 6 Castle Road, Irvington, by SFV Design, Inc., Architectural Design Construction Management, dated May 31, 1999 (2 sheets).

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval and a Type II Action for SEQRA purposes. Mr. Mastromonaco confirmed that there were no engineering concerns, and there were no comments from the public

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

**IPB Matter #99-37:**

**Application of Sheila M. Biggs for Site  
Development Plan Approval for property at  
29 Oak Street.**

Ms. Sheila Biggs appeared personally for the application. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property Owners. The proposed development consists of a side porch enclosure on the driveway side of house, adding a total of about 25 square feet on one floor, and approximately 200 cubic feet. It was noted that Zoning Board of Appeals approval was required with respect to the proposed construction due to the fact that it exceeds the maximum site coverage by 19 square feet.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. Mr. Mastromonaco confirmed that there were no engineering concerns. There were no comments from the public. The Board then determined this application to be a Type II Action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist to make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan Approval for this Application subject to approval by the Zoning Board of Appeals of any variance required in connection with this Application.

**IPB Matter #99-39:**

**Application of Slavik & Regina Zorin for  
Waiver of Site Development Plan Approval  
for property at 44 Riverview Road.**

Joseph Paiva, Architect, appeared for the Applicant. Applicant paid the required application fee and furnished evidence of mailing of required Notice to Affected Property

Owners. The proposed development consists of a deck and patio addition, a total of about 196 square feet of floor area on a total of one floor and a total of about 1862 cubic feet to the existing building, increasing the footprint of the house by 196 square feet.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. There were no comments from Mr. Mastromonaco or the public. The Board then determined this application to be a Type II Action under SEQRA.

After discussion, on motion duly made, seconded and unanimously approved, the Board then adopted the following Resolution:

**WHEREAS**, the Planning Board has determined in accordance with Section 243-71 of the Village Code that the proposed construction meets conditions which permit site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

**IPB Matter #98-55:**

**Public Hearing on Application of Spectrum  
Irvington Corp., for Amended Site Development  
Plan Approval for Lot #60, Legend Hollow.**

Lisa Cohn, Architect, of Studer Design Associates, appeared for the Applicant. Applicant paid the required application fee and provided an Affidavit of Publication and evidence of mailing of required Notice to Affected Property Owners. This application is for the modification of the previously approved driveway location, (application was heard at the December 2, 1998 Planning Board meeting.)

The Chairman opened the public hearing. Mr. Mastromonaco's memo dated July 6, 1999, listed recommendations for a pump chamber invert, lowering the alarm float, and with regard to a 36" oak tree to be removed to install the driveway as shown. Mr. John Irish, a neighbor, did not want the 36" diameter oak tree removed to install the driveway. Much discussion on alternatives ensued with the result Spectrum undertook to replace the oak with a 6" caliper Japanese zelkova. Mr. Irish said that this solution seemed acceptable but that he wanted to consult his lawyer before finally agreeing to it. The Board then closed the public

hearing. On motion duly made, seconded, and unanimously adopted, the Board then approved the amended Site Plan for Lot #60, Legend Hollow, dated November 3, 1997, last revised June 21, 1999, subject to receipt by Mrs. Florence Costello, the Clerk of the Planning Board, no later than the close of business Monday, July 12, 1999 of written confirmation from Mr. Irish of his acceptance of the solution proposed by Spectrum, the Applicant, with respect to the removal and replacement of the 36" oak. If such acceptance is not timely received, the matter is to be carried over to the Planning Board's August meeting for further consideration.

**IPB Matter #99-34:**

**Application of Arthur Semetis for Waiver of Site Development Plan Approval for property at 35 North Brook Lane, Lot #35, Legend Hollow.**

Lisa Cohn, Architect, appeared for the Applicant. This application was carried over from the June 2, 1999 meeting, which granted a Waiver of Site Development Plan Approval for the deck addition, with consideration of the walls and fence to be addressed at the June 19 site walk. There were no comments from the public. There was considerable discussion of the fences on the property and the Board advised the Applicant that any additional fences must have Zoning Board of Appeals approval. After discussion, on motion duly made, seconded and unanimously approved the Board approved: Semetis Residence Deck Addition and Retaining Wall, Legend Hollow Lot #35 by Studer Design Associates dated May 26, 1999, last revised July 7, 1999.

**IPB Matter #99-23:**

**Application of Irvington Associates for property at Lot(s) 25 & 31, Legend Hollow.**

Although appearing on the agenda there was no representation from Irvington Associates, the application was carried over to the August 4, 1999 meeting.

**IPB Matter #99-33:**

**Application of Robert & Katherine Mackie and Katherine Martucci for Subdivision of property North of Bridge Street.**

Norman Sheer, Esq., appeared for the Applicant. This application, regarding subdivision of a two acre vacant parcel of land on the north side of Bridge Street, was carried over from the June 2, 1999 meeting pending comments from the Environmental Conservation Board. The Chairman read aloud the Environmental Conservation Board report dated July 3, 1999. Mr. Sheer presented an access subdivision map and easement agreement as requested on the Board's June site walk. The Board determined that the Application for subdivision and any related site development plan approval was for a Type II action under SEQRA. There was much discussion on access and size of roadways vs driveways proposed for the subdivision. The application was carried over to the August meeting.

**IPB Matter #99-38:**

**Application of Sean Orr for Site Development  
Plan Approval for property at 60 West Clinton  
Avenue.**

David Graham, Architect, appeared for the Applicant. Applicant paid the required application fee and furnished evidence of mailing of the required Notice to Affected Property Owners. The proposed development consists of alterations and additions to the existing residence. The proposed alterations will increase the building by 601 sq. ft., plus 340 sq. ft. of new decks and porches, resulting in a building footprint increase of 886 sq. ft. Cubic space added to the interior will be 5,990 cu. ft., plus 2,240 cu. ft. of garage. There were no comments from Mr. Mastromonaco or the public. The Board was concerned about maintenance of specimen trees and additions to maintain the same building style. Both concerns were satisfactorily addressed by Mr. Graham.

The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA. After discussion, the Board took the following action. It approved drawings: Additions and Alterations to the Orr Residence, West Clinton Avenue, Irvington, prepared by David Graham Architects, dated June 25, 1999, (6 pages), with the caveats that trees would not be disturbed, construction vehicles would stay on driveways and additions would be consistent with style and colors.

**IPB Matter #99-36:**

**Application of John & Stephanie Buckhout for  
Site Development Plan Approval for property  
at 24 North Dutcher Street.**

Matthew Behrens, Architect, appeared for the Applicant and withdrew this Application.

**IPB Matter #99-11:**

**Application of Ettore & Maria D'Alessio for  
Amended Site Development Plan Approval for  
property at 27 & 29 Hamilton Road.**

Norman Sheer, Esq., appeared for the Applicant. This application was carried over from the June 2, 1999 meeting. The Zoning Board of Appeals granted a variance on April 21, 1999 from the provisions of Sec. 243-3 of the Irvington Zoning Code, which limit the above grade height of a cellar. The application sought a variance to permit the cellar of the proposed house to extend 1.6 feet above the minimum height allowed for cellars.

The Board then determined that the application is for a proposed action which is a Type II Action under SEQRA. After discussion, the Board took the follow action. It approved: Revised Site Plan prepared for Ettore & Maria D'Alessio, prepared by Charles Riley, dated November 3, 1998 last revised May 25, 1999.

**IPB Matter #94-03:**

**Application of Westwood Development Associates, Inc., for Limited Site Development Plan Approval for property at Broadway, Riverview Road and Mountain Road.**

Mr. Charles Pateman appeared for the Applicant. The Chairman reminded Mr. Pateman that the Applicant owed the Village taxes approximating \$700.00 and that therefore no action could be taken with respect to this Application until the taxes were brought current. However, the Board agreed to an informal discussion. The Chairman called for public comment. Mr. Lundeen, a Riverview Road resident, requested shrubs along the northeasterly side of the proposed new layout of the drive and parking area on the High School property to screen headlights. Mr. Leitzes, East Irvington Civic Association, suggested a bus service to take commuters from Peter Bont Road and vicinity to the station to cut down Village traffic. The Board indicated that this seemed like a good suggestion but the issue was one more properly for the Board of Trustees to consider.

A complete stenographic transcript of the proceeding relating to this matter was prepared and is incorporated herein by reference.

**IPB Matter #98-12:**

**Application of Boran Construction Corp., for Site Development Plan Approval for property at 76 Main Street.**

Ken Nadler, Architect, appeared for the Applicant. The Chairman read a letter dated June 2, from Mr. John Canning, a traffic engineering professional, and resident of 16 South Ferris Street regarding traffic safety. The required parking space variance was granted by the Zoning Board of Appeals on May 18, 1999, and the front of site building location was agreed to be the most favored. Mr. Mastromonaco had a series of concerns which must be addressed. The Chairman called for public comment. Mr. Mark Mazur favors Ferris Street as the entry point, while Mr. Canning favors a Main Street entrance. Earl Ferguson was concerned about on street parking and garbage. An Environmental Assessment Form will be required. Mr. Matthew Behrens wanted to reduce buildings to two stories. The Chairman was concerned with garbage take-away and ability to see down Main Street if a car is parked on the south side of Main Street near the west side of Ferris Street. The Application was carried over to the August meeting.

**IPB Matter #98-44:**

**Application of Joseph & Denise Ciccio and Mitchell & Sheri Chernick for subdivision of property at Riverview Road.**

Norman Sheer, Esq., appeared for the Application, which was carried over from the June 2, 1999 meeting. All action was delayed to the August meeting. There was a considerable restatement of all the problems; septic systems, driveways vs roads on the property, the use of a paper road, soil erosion on the paper road, and site changes. Mr.

Mastromonaco's concerns were noted. The Board noted that the proposed drainage plan contemplated use of some areas of the paper street off the Applicants' property and possibly level off the site. Mr. Sheer said these matters would be studied further. The Application was carried over to the August meeting.

**IPB Matter #99-31:**

**Application of Danfor Realty for Subdivision  
of property (Fatato) at Harriman Road between  
Shady Lane and Park Road.**

Paul J. Petretti, Civil Engineer and Land Surveyor appeared for the Applicant. The Environmental Conservation Board memo dated July 3, 1999 and Mr. Mastromonaco's memo dated July 6, 1999, were noted. The meeting took an informational turn, discussion on cul-de-sac vs through streets, steep slopes, site capacity for the entire property and each individual lot, paper streets, and tree disturbance were discussed. No action was taken, the application was carried over to the August meeting.

The Board then considered the following administrative matters:

- Minutes of the Planning Board held on May 5, 1999, and June 2, 1999, previously distributed, were on motion duly made and seconded, approved.
- The next regular meeting of the Planning Board was scheduled for August 4, 1999.

There being no further business, the meeting was adjourned.

Respectfully submitted,

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Allen Morris, Secretary

